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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,602	12/29/2004	Norifumi Matsubara	U 015564-3	9481

140 7590 12/16/2005

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NEW YORK, NY 10023

EXAMINER

HOOK, JAMES F

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/519,602	<b>Applicant(s)</b> MATSUBARA, NORIFUMI	
	<b>Examiner</b> James F. Hook	<b>Art Unit</b> 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

It is noted that an information disclosure statement was filed with this application, and the paper of December 29, 2004 page 2 states that a PTO-1449 is attached, however, the current file does not have a copy of a PTO-1449 in it therefore the IDS cannot be considered at this time. If applicant sent a copy of the PTO-1449, if a second copy can be supplied with any response to this office action, the examiner will consider the references at that time, and mark the PTO-1449 accordingly. If applicant failed to send a copy of the PTO-1449, then steps should be followed as per the MPEP for proper filing of an IDS after first action to insure consideration.

### ***Claim Objections***

Claim 4 is objected to because of the following informalities: in line 2, the word "ha" should be "has" as such appears to be a typographical error which it is recommended be corrected. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 4, line 3, the thickness "t" is the beginning of the

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range however the specification has no support for a thickness "t" and such therefore is just a variable in the claim which could be any of an infinite number of possibilities which makes the claim indefinite where the scope of the claim cannot be determined.

However, as per the specification, for purposes of examination, the lower limit was given as 5 microns, and claim 4 will be treated as if "t" were 5.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Usui (107) in view of Ogishi. The patent to Usui discloses the recited piping member comprising a metal tube 1 coated in a nickel layer 6, followed by a zinc-nickel alloy layer 3 having a thickness in an example of 3-8 microns, and a chromate layer 4. The patent to Usui discloses all of the recited structure with the exception of stating the thickness of the chromate layer, using trivalent chromate, and providing an additional zinc layer on top of the zinc-nickel alloy layer. The specific thickness of the chromate layer is considered an obvious choice of mechanical expedients and would have been obvious to one skilled in the art to use routine skill and experimentation to arrive at optimum values as such is merely a choice of mechanical expedients. The patent to Ogishi discloses that it is old and well known in the art to utilize trivalent chromate when

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using chromate to treat metal coating layers, and discloses that it is old and well known in the art to provide metal substrates with coating layers including zinc, and zinc-nickel alloys and that either one layer can be provided or multiple layers of these different coating layers thereby teaching the addition of a zinc layer in combination with a zinc nickel alloy layer, and adding a chromate layer of trivalent chromate as set forth above. It would have been obvious to modify the chromate layer of Usui to be made of trivalent chromate as such is an equivalent type of chromate used to treat zinc coated metal substrates, and to provide a zinc layer in combination with the zinc nickel alloy layer as such is an alternate embodiment as suggested by Ogishi where such would provide the metal substrate layer of Usui with added protection against corrosion and premature failure thereby saving money.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Usui (107) in view of Ogishi as applied to claims 1, 2, and 4 above, and further in view of Romann. The patent to Usui as modified discloses all of the recited structure, including that such pipe is used for fuels, with the exception of providing cups in which injectors can be inserted. The patent to Romann discloses that it is old and well known in the art to provide metal fuel pipes with cups to receive fuel injectors 2, as such is old and well known in the art. It would have been obvious to one skilled in the art to modify the tube in Usui as modified by providing cups to hold inserted fuel injectors as such is old and well known in the art as suggested by Romann and such would allow for the fuel pipe to connect to fuel injectors for delivery of fuel in a more efficient manner, where such would save money.

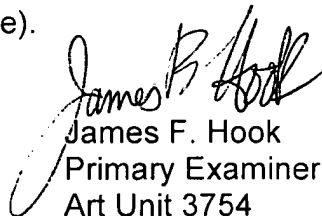
**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Campagna, Kamo, Klos, Takeuchi, Yoshioka, Shindou, Lee, Usui (565), Ueda, and Iwano disclosing state of the art fuel rails and coated metal substrates.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (571) 272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James F. Hook  
Primary Examiner  
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